

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FCS ADVISORS, LLC,

Plaintiff,

—against—

21 Civ. 6995 (PKC)

THEIA GROUP, INC., d/b/a “THORIAN
GROUP” and/or “CYPHERIAN”; THEIA
AVIATION, LLC; and THEIA HOLDINGS A,
INC., d/b/a “THORIAN HOLDINGS,”

Defendants.

CERTIFICATE OF NO OBJECTION REGARDING DOCS. 370 - 372

TO THE HONORABLE P. KEVIN CASTEL,
UNITED STATES DISTRICT COURT JUDGE:

I, Kurt F. Gwynne, Esquire, counsel to Michael Fuqua, as receiver (the “Receiver”) for Theia Group, Inc., Theia Aviation LLC, and Theia Holdings A, Inc. in the above-captioned matter, hereby certify the following:

1. On August 23, 2023, I filed the (i) *Notice of Motion of Michael Fuqua, as Receiver, for Bridge Order Further Extending the Stay Provided in the Receivership Order Pending the Court’s Ruling on the Receiver’s Sale Motion* (Doc. 370) (the “Motion”); (ii) *Memorandum of Law in Support of Motion for Bridge Order Further Extending the Stay* (Doc. 371); and (iii) *Declaration of Michael Fuqua, as Receiver, in Support of Motion for Bridge Order Further Extending the Stay* (Doc. 372) (collectively, the “Motion Papers”), pursuant to which the Receiver requested that the Court enter an order (a) further extending the stay provided for in paragraph 4 of the *Order Appointing Michael Fuqua as Receiver* (Doc. 117) through and including the date that is fourteen (14) days after the Court enters an order ruling on the merits of the *Notice of Motion*

of Michael Fuqua, as Receiver, for Entry of an Order (I) Authorizing and Approving (A) the Sale of Substantially All of the Receivership Entities' Assets, Free and Clear of Liens, Claims, Rights, Encumbrances, and Other Interests and (B) Entry Into the Asset Purchase Agreement With LTS Systems, LLC; (II) Further Extending the Receivership Stay; and (III) Granting Related Relief (Doc. 365); and (b) granting such further relief as is appropriate.

2. The Motion Papers were served by Reed Smith LLP as set forth in the *Certificate of Service* filed at Doc. 375.

3. Pursuant to paragraph 15 of the Receivership Order, the deadline to file opposing affidavits and answering memoranda with respect to the Motion was August 28, 2023.

4. As of the date hereof, the undersigned has received no answer, objection, or other responsive pleading to the Motion. The undersigned has reviewed the Court's docket in this case and no answer, objection, or other responsive pleading to the Motion appears thereon.

5. Accordingly, the Receiver respectfully requests that the Court enter the order granting the relief requested by the Motion, substantially in the form attached hereto as **Exhibit A**, at the Court's earliest convenience.

Dated: August 29, 2023
New York, New York

Respectfully submitted:

REED SMITH LLP

By: /s/ Kurt F. Gwynne

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*Counsel for Michael Fuqua, in his capacity as
Receiver of Theia Group, Inc., Theia Aviation LLC,
and Theia Holdings A, Inc.*